

Atty. Docket No.: CA1467
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/033,584

REMARKS

Claims 1-13 and 16-19 are all the claims pending in the application. Applicant amends claims 1, 6, 9-13, 16, 18 and 19 to more accurately recite the invented subject matter.

Applicant notes that Applicant specifically addressed the Examiner's claim rejections contained in Final Office Action of December 2, 2005, in Applicant's Amendment under 37 C.F.R. 1.116 filed on March 2, 2006. Therefore, Applicant incorporates herein all Applicant's arguments contained in the aforesaid Amendment of March 2, 2006.

Applicant thanks the Examiner for courtesies extended to Applicants in connection with the Examiner's personal interview with Applicant's representative, which took place on April 18, 2006. During the interview, the Examiner suggested certain clarification of the claim language. In accordance with the Examiner's suggestions, Applicant amends claims 1, 6, 9-13, 16, 18 and 19 to more accurately recite the invented subject matter. No new matter is introduced.

Also during the aforesaid interview, Applicant's representative and the Examiner agreed that the pending claims are different from the prior art of record for at least two reasons. First, the prior art of record does not teach or suggest receiving an indication of an individual file to be restored as well as restoring individual files as distinguished from restoring entire volumes. Second, art of record does not teach a command sent by a primary storage subsystem.

In more detail, Ofek (U.S. patent No. 6,654,752 B2) relied upon by the Examiner, teaches neither receiving an indication of individual files to be restored nor restoring such individual files. In contrast to the claimed invention, Ofek specifically states at 22:51-52 that "The

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RESTORE command restores all the data on the BCV device 226 to the mirror devices 224 and 225." Therefore, in Ofek, not specific files, but the entire content of the storage device is being restored. This is exactly the opposite to the claimed feature of the present invention recited in the amended independent claims 1, 6, 9, 10, 12, 13, 16, 18 and 19.

In addition, in Ofek, the second storage subsystem receives the split/mount command not from the first storage subsystem, as recited in the pending independent claims, but from a host, which is an entirely different system element, see Ofek, Fig. 13 and 17:12-14. In more detail, at 17:12-14, Ofek teaches "the host 220 in FIG. 9 can issue a number of commands to establish the BCV device 226 as another mirror, to split the BCV device 226..." Applicant wishes the draw the Examiner's attention to Fig. 13 of Ofek clearly showing the SPLIT command originating with a host. Therefore, Ofek does not teach or suggest that the SPLIT command is sent by the first storage system, as recited in the independent claims 1, 6, 10, 12, 16, 18 and 19.

Pursuant to the Examiner's suggestion at the interview on April 18, 2006, Applicant emphasized the aforesaid distinction(s) in the amended claims 1, 6, 9, 10, 12, 13, 16, 18 and 19.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Pavel Pogodin
Registration No. 48,205

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.114(c) is being facsimile transmitted to the U.S. Patent and Trademark Office this 28th day of April, 2006.



Mariann Tam

Date: April 28, 2006